

Exhibit B

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT STOUD)	CIVIL ACTION - LAW
324 Maple Street)	
Montrose, PA 18801)	
)	JURY TRIAL DEMANDED
Plaintiff)	
)	
-VS-)	
)	
SUSQUEHANNA COUNTY)	
P.O. Box 218)	
31 Lake Avenue)	
Montrose, PA 18801)	
)	
COMMISSIONER ELIZABETH)	
ARNOLD)	
P.O. Box 218)	
31 Lake Avenue)	
Montrose, PA 18801)	
)	
COMMISSIONER MARYANN)	
WARREN)	
P.O. Box 218)	
31 Lake Avenue)	
Montrose, PA 18801)	
)	
Defendants	x	

DEPOSITION TESTIMONY OF

MARYANN WARREN

THURSDAY, AUGUST 16, 2018

321 SPRUCE STREET
SCRANTON, PENNSYLVANIA

CHRISTINE A. MESSNER
COURT STENOGRAPHER

KEYSTONE COURT REPORTING AGENCY, INC.
4099 BIRNEY AVENUE, SUITE 9
MOOSIC, PA 18507
(570) 558-3011 (800) 570-3773
FAX (570) 558-3014

 ORIGINAL

C O U N S E L P R E S E N T:

On behalf of the Plaintiff:

MAZZONI, KARAM, PETORAK, VALVANO
BY: GERALD KARAM, ESQ.
321 Spruce Street, Suite 201
Bank Towers Building
Scranton, Pennsylvania 18503

On behalf of the Defendant:

KREDER, BROOKS, HAILSTONE, LLP
BY: A. JAMES HAILSTONE, ESQ.
220 Penn Avenue, Suite 200
Scranton, Pennsylvania 18503

STIPULATIONS

It was agreed by and between counsel that all objections, except as to the form of the question, will be reserved until the time of trial.

It was further agreed that the reading, signing, sealing and filing of the deposition transcript will be waived.

INDEX OF WITNESSES

<u>EXAMINATION</u>	<u>PAGE NUMBER</u>
MaryAnn Warren	
By Mr. Karam	4-64

INDEX OF EXHIBITS

FOR PLAINTIFF <u>EXHIBIT</u>	<u>DESCRIPTION</u>	MARKED
Exhibit 1	Letter	48

-o00o-

1 MARYANN WARREN was called, and having been duly
2 sworn, was examined and testified as follows:

3 **EXAMINATION**

4
5 BY MR. KARAM:

6 Q. Would you please state your name for
7 the record.

8 A. MaryAnn Warren.

9 Q. And your current occupation?

10 A. County commissioner in Susquehanna
11 County.

12 Q. Do you mind if I call you Commissioner?

13 A. No, that's fine. Thank you.

14 Q. And when were you elected?

15 A. November 2003.

16 Q. Okay. And so I'm going to be asking
17 you a bunch of questions. This is not adversarial.
18 This is going to be more conversational here. If at
19 any point in time you don't hear what I'm saying or
20 you don't understand what I'm saying or you don't
21 understand the question, please let us know. If you
22 don't let us know, we're going to assume that you've
23 heard the question and understood the question.

24 A. Okay.

25 Q. Also we have a stenographer here who is

1 taking down everything we say. She can only take
2 down the verbal word. She can't take down a nodding
3 of the head or any type of hand gestures, so that I
4 would ask that all of your responses be verbal --

5 A. Okay.

6 Q. -- responses. And then finally you
7 will have every opportunity to answer and explain a
8 question. I would just ask that you let me finish
9 the question and then you can fully answer as you
10 deem fit. Okay?

11 A. Understood.

12 Q. So what's your educational background?

13 A. Two years of business school. I
14 dropped out of college.

15 Q. And what's your date of birth?

16 A. 3/5/57.

17 Q. That makes you?

18 A. Old, 61.

19 Q. Okay. Sorry, I don't like asking that
20 but I have to. And how about your work history?

21 A. My work history?

22 Q. Yes.

23 A. How far back, beginning to end?

24 Q. Yeah, if you can.

25 A. My first job ever was an assistant

1 manager for Gertrude Hawk Candies retail store, their
2 first retail store in Sugarman's. And I was the
3 assistant manager for the deli department for the
4 Grand Union in Vestal, New York. I was the assistant
5 manager for Paps Country Market in Lakewood,
6 Pennsylvania. And then had children, stayed home
7 with them and was hired as the director of the
8 Susquehanna County Chamber of Commerce and was there
9 for six years prior to becoming commissioner.

10 Q. Okay. And are you married?

11 A. Yes.

12 Q. And how long are you married?

13 A. Forty years.

14 Q. Okay. I hope you got that right.

15 Children?

16 A. Yes, two.

17 Q. Okay. And I'm assuming they're
18 adult --

19 A. Yes.

20 Q. -- children? Okay. We're here today
21 because Steve Stoud; I'm going to call him Steve, I
22 know his official name is Robert; but we'll call him
23 Steve today has filed, and Maggie McNamara, have
24 filed claims against Susquehanna County, and you are
25 a commissioner of Susquehanna County and so we have

1 some questions regarding the claims that they have.
2 So I'm going to try to be as brief as possible with
3 these questions to get you out of here, but you know
4 there may be a lot that we have to go through. So I
5 ask for some patience --

6 A. Okay.

7 Q. -- there. Who are the current county
8 commissioners right now?

9 A. Alan M. Hall, Elizabeth M. Arnold,
10 MaryAnne Warren.

11 Q. And the political affiliations of each?

12 A. Alan M. Hall republican, Elizabeth M.
13 Arnold republican, MaryAnn Warren democrat.

14 Q. Okay. And you know Commissioner Hall
15 was here yesterday answering some questions and he
16 indicated that you don't run as a team --

17 A. That's correct.

18 Q. -- in terms of republicans versus
19 democrats, but you all ran on your own. Is that
20 accurate?

21 A. It is.

22 Q. And how about governing, how do you
23 govern? Do you usually govern as per party,
24 political party or do you govern as to what each of
25 your individual choices are?

1 A. As long as I've been in office, it has
2 never been political party sides. It has always been
3 what's in best interest of county residents.

4 Q. Okay. That's something that we here in
5 Lackawanna County are unfamiliar with. So do you
6 know Steve Stoud?

7 A. I do.

8 Q. How do you know Steve?

9 A. Steve was our -- he held many positions
10 at the county. He was our Public Safety director.
11 He was an acting chief clerk. He was a chief clerk.
12 He was a part-time Public Safety director and he was
13 the chief detective in the District Attorney's
14 Office.

15 Q. Okay. And he also was a deputy chief
16 clerk, correct?

17 A. Yes, I believe so.

18 Q. He was -- you demoted him?

19 A. Yes, that is correct.

20 Q. And you demoted him and -- from chief
21 clerk to deputy chief clerk?

22 MR. HAILSTONE: Object to the
23 form.

24 BY MR. KARAM:

25 Q. Correct?

1 MR. HAILSTONE: You can answer.

2 THE WITNESS: Yes.

3 BY MR. KARAM:

4 Q. In a -- at a commissioner meeting, is
5 that accurate?

6 A. Correct.

7 Q. And you then hired Lana Adams?

8 A. Yes.

9 Q. As chief clerk?

10 A. Yes.

11 Q. And so Lana Adams then would be his
12 supervisor?

13 A. On paper, yes.

14 Q. Okay. Well, she was the chief clerk,
15 correct?

16 A. Yes.

17 Q. And he was the deputy chief clerk?

18 A. Yes, on paper, yes.

19 Q. Well, we'll get into abilities and
20 duties and everything. But the reality is he had to
21 report to Lana Adams?

22 A. Correct.

23 Q. And before he was a direct report to
24 the commissioners?

25 A. Yes.

1 Q. So it was a demotion?

2 A. Of title, yes.

3 Q. Well, and of reporting as well, right?

4 A. Yes.

5 Q. So why don't we get right into the
6 chain of command. Does Susquehanna County have a
7 policy as it relates to chain of command?

8 A. In writing I do not believe so. I
9 believe it changes as people are hired.

10 Q. Okay. How about in practice? And well
11 let's talk about chain of command as it relates to
12 commissioners. I'm assuming chain of command as it
13 relates to employees, you just -- you report to your
14 immediate supervisor?

15 A. Correct.

16 Q. So chain of command as it relates to
17 the commissioners, what's your understanding of that
18 policy?

19 A. Could you rephrase that please?

20 Q. How does -- what -- how does the chain
21 of command work downward in terms of how a
22 commissioner is supposed to perform their job?

23 A. The commissioners are at the top and
24 the elected officials are under them, but they have
25 1620 rights, so they really do not report to the

1 commissioners.

2 Q. Okay.

3 A. The rest of the department heads report
4 to the chief clerk except when there's exceptions,
5 such as the Public Safety director was a direct
6 report to the commissioners and the human service
7 director was a direct report for a short time.

8 Q. Okay. So I guess what I'm getting at
9 is let's take a department IT, okay, that falls under
10 the purview of the commissioners?

11 A. Correct.

12 Q. IT has a supervisor and then they have
13 employees. If somebody called you up about an issue
14 with an employee, one of your constituents called up
15 about an issue with an IT employee, how would you
16 handle that issue in terms of chain of command going
17 down?

18 A. I would go to the chief clerk and say
19 there is a concern in the IT department and the chief
20 clerk should talk to the supervisor in IT.

21 Q. So you would go down the chain of
22 command as it goes downward?

23 A. Correct.

24 Q. You wouldn't go directly to that IT
25 employee and confront the IT employee or start

12

1 interrogating the IT employee?

2 A. No, sir.

3 Q. Do you know Richard Ely?

4 A. Yes.

5 Q. How do you know Richard?

6 A. He was hired first as our human
7 services or human resource director, and then he was
8 a human resource director/deputy clerk and then he
9 took a position as the Veterans Affairs
10 director/human resources support.

11 Q. Did there come a point in time when you
12 became aware of a complaint made by Maggie McNamara
13 against Richard Ely?

14 A. Yes.

15 Q. How did you become aware of it?

16 A. I don't recall whether it was
17 Commissioner Hall or the chief clerk that contacted
18 me.

19 Q. And what do you recall you were told?

20 A. I was told that, was told the situation
21 that had happened inside of the building with
22 Christmas hugs and that Maggie had remained at her
23 desk and did not partake in that and everyone had
24 left.

25 Maggie had left the building, gone out

1 to her car. Rich had gone out after her and was told
2 that he went over to her window and knocked on her
3 window, she rolled it down and he proceeded to, I
4 don't know, make a kissy face look or something and
5 try to kiss her on the cheek, attempted to.

6 Q. And did it come to you then? Did you
7 ask that the incident be investigated?

8 A. Yes.

9 Q. And who did you ask to investigate the
10 situation?

11 A. The deputy chief clerk Steve Stoud.

12 Q. Okay. And did he investigate it?

13 A. Yes.

14 Q. And he reported back to you?

15 A. Yes.

16 Q. And did you make a conclusion as to
17 discipline of Richard Ely?

18 A. Yes.

19 Q. What was your conclusion?

20 A. It was that a letter -- he would be
21 reprimanded with a letter that he had no more
22 chances, that it was a final letter in his file.

23 Q. And you concluded that his conduct was
24 inappropriate, correct, with that letter?

25 A. Absolutely.

1 Q. And he admitted that his conduct was
2 inappropriate?

3 A. Not to me.

4 Q. He didn't appeal the letter, did he?

5 A. No. I think he wrote a letter.

6 Q. In response?

7 A. In response, yes.

8 Q. But there's avenues to appeal
9 disciplinary action, correct?

10 A. Yes.

11 Q. And he didn't do that?

12 A. That is correct.

13 Q. Getting back to the chain of command,
14 do you believe that Commissioner Arnold handles the
15 chain of command the same way you described your
16 handling of it?

17 A. No.

18 Q. Okay. Why is that?

19 A. Can you rephrase?

20 Q. Well, how does she handle chain of
21 command differently than you do?

22 A. She goes directly to employees and asks
23 for opinions, comments and then brings them to others
24 and/or runs to our solicitor in anger without it
25 being investigated.

15

1 Q. In the business world that would be
2 said to be undermining the authority of the
3 supervisors and the people above the individual in
4 the chain of command?

5 MR. HAILSTONE: Object to the
6 form.

7 BY MR. KARAM:

8 Q. Would you agree with that, that that's
9 not following the chain of command and that manner
10 undermines the supervisors?

11 MR. HAILSTONE: You can answer.

12 BY MR. KARAM:

13 Q. No, no, that's --

14 A. Yes.

15 Q. And can we -- would it be fair to say
16 that Commissioner Arnold frequently did that and
17 frequently undermined the supervisors within the
18 county?

19 A. Yes.

20 Q. And had she been warned to stop doing
21 that to your knowledge?

22 A. Yes.

23 Q. How many times?

24 A. Numerous, more than one occasion,
25 perhaps three.

16

1 Q. Did you ever have a conversation with
2 her about it?

3 A. Conversation, yes.

4 Q. And tell me about that conversation.

5 A. I asked her why she goes to employees,
6 why we can't work as a team, why things aren't
7 brought before the commissioners before there's a
8 blow-up.

9 Q. And what was her response?

10 A. I was not the boss of her.

11 Q. Do you know if other people brought it
12 to her attention?

13 A. Yes.

14 Q. Who?

15 A. Commissioner Hall. I think that he
16 wrote a letter to her on two occasions I believe and
17 our solicitor Michael Giangrieco spoke to her.

18 Q. And did they in essence just tell her
19 her behavior regarding her chain of command was not
20 appropriate?

21 A. That's my understanding.

22 Q. How would you view Commissioner
23 Arnold's -- strike that. Following Maggie McNamara
24 making the complaint against Richard Ely, did you see
25 Commissioner Arnold have an increasing personal

1 animus towards either or both Steve Stoud and/or
2 Maggie McNamara?

3 A. I will say that I did not see it
4 increase. It was a constant. I've witnessed a few.

5 Q. A personal animus?

6 A. I can't answer that.

7 Q. Well, how do you believe -- were there
8 times when you saw -- are there any occasions where
9 you saw Commissioner Arnold treat either Steve Stoud
10 or Maggie McNamara in an inappropriate manner?

11 A. Yes.

12 Q. Can you tell me when?

13 A. I don't know. I don't recall the date.
14 But I was standing in Steve's office getting my mail
15 from my box and had my back to Steve's desk. And
16 Commissioner Arnold came in and was flipping out
17 about a meeting that she didn't know about, if I
18 remember correctly, and that it was his
19 responsibility to alert her or remind her or inform
20 her of this and that she was not happy. But she was
21 screaming and I never turned around. I just stood
22 there very uncomfortably and listened and then she
23 stormed out.

24 Q. And did you say anything to Steve Stoud
25 after she stormed out?

1 A. Absolutely.

2 Q. What did you say?

3 A. I said oh, my gosh, what the heck
4 happened here.

5 Q. Did you see Steve do anything to
6 provoke that?

7 A. Absolutely not.

8 Q. Did there come a point in time that day
9 when you knew she came back in to see Steve, did you
10 hear about that?

11 A. No, I don't.

12 Q. Did there come a point in time when you
13 reported that to somebody else other than Steve
14 Stoud?

15 A. Yes, I did.

16 Q. Who did you report it to?

17 A. To our solicitor Michael Giangrieco and
18 to Alan Hall.

19 Q. And what did they indicate?

20 A. That it was unacceptable.

21 Q. And did there come a point in time
22 where another attorney or somebody else indicated
23 that you shouldn't be saying that these things are
24 inappropriate and that it shouldn't happen, you
25 should just keep quiet about them?

1 A. I don't recall that.

2 Q. You don't recall that. So have you
3 ever been in Commissioner Arnold's presence when she
4 was complaining that Steve Stoud and Maggie McNamara
5 brought up that they worked in a hostile work
6 environment?

7 A. No.

8 Q. You never heard Arnold complain about
9 complaints McNamara and Stoud were making about their
10 work environment?

11 A. No.

12 Q. Did you ever hear Arnold complain about
13 McNamara and Stoud in general?

14 A. Yes.

15 Q. When and about what?

16 A. In my office perhaps in May of 2016.

17 It was stated that there were rumors everywhere that
18 Stoud and McNamara were having an affair and that it
19 was not appropriate for them to be working together.

20 Q. And did she then indicate we have to do
21 something to separate them?

22 A. Yes.

23 Q. Did she have any facts to base doing
24 something?

25 A. Not that she shared.

20

1 Q. And what was your response to that when
2 she said it?

3 A. My response immediately was further
4 conversation that did not have to do with personal
5 lives but with work ethics.

6 Q. So what work ethics were you talking
7 about then?

8 A. Being accountable for your work,
9 proofreading, making sure that agendas and minutes
10 were correct.

11 Q. Okay. And I'm assuming that that was
12 directed at Maggie McNamara?

13 A. Yes.

14 Q. Right. And then in turn Steve Stoud as
15 her supervisor I guess. But it was Maggie McNamara's
16 work product that you were talking about?

17 A. Correct.

18 Q. So why don't you -- what issues did you
19 have with Maggie McNamara's work product?

20 A. It's always been since I have been
21 commissioner to proofread the agenda prior to because
22 no one else really took the time to do that, and I
23 had a responsibility to be accountable to the
24 taxpayers to pay our salaries.

25 So I would go over the agendas and make

21

1 corrections and send them back. And I believe that
2 we originally had gotten agendas on Fridays and then
3 moved it to Monday to make sure that we got a more
4 complete agenda draft prior to the meeting on
5 Wednesday.

6 Q. Okay. And so how does that relate to
7 Maggie McNamara?

8 A. Maggie would type up the agendas with
9 Steve or Steve would type them up with her help.

10 Q. Okay.

11 A. And the agenda would be sent to the
12 commissioners by Maggie and copied Steve also, so
13 then the corrections went back to Maggie.

14 Q. Okay. You would make corrections?

15 A. Yes, sir.

16 Q. And how frequently did you make
17 corrections?

18 A. Quite frequently.

19 Q. And what were the corrections on?

20 A. Spelling, grammatical. Sometimes
21 corrections that had been just because it was done in
22 the past, it wasn't appropriate at that time to
23 continue a bad practice of having what was on the
24 agenda, so we would change it.

25 Q. Okay. So why don't we talk about that

1 a little bit. You were a commissioner well before
2 Maggie McNamara --

3 A. Correct.

4 Q. -- right? How many years before?

5 A. Ten.

6 Q. Ten years before?

7 A. Ten years.

8 Q. And who was in charge of the agendas
9 before that?

10 A. The chief clerk.

11 Q. Okay. And were you reviewing the
12 agendas then?

13 A. Yes.

14 Q. And you would make corrections to what
15 the chief clerk sent you then?

16 A. Yes.

17 Q. And you would send it back and
18 ultimately that would end up being the agenda and
19 what was put on the agenda?

20 A. Sometimes more corrections needed to be
21 made.

22 Q. Okay. And you would make them?

23 A. Yes.

24 Q. But ultimately what was put on the
25 agenda was something that you approved?

1 A. Yes.

2 Q. And did you ever complain to the other
3 commissioners about mistakes on the agenda before
4 Maggie McNamara got there?

5 A. Yes.

6 Q. Who was the chief clerk then?

7 A. Sylvia Beamer.

8 Q. Okay. Did you ever attempt to demote
9 her because of her mistakes?

10 A. No.

11 Q. Did you ever attempt to discipline her
12 because of her mistakes?

13 A. She was spoken to about them numerous
14 times.

15 Q. Okay. Was she ever disciplined because
16 of it?

17 A. No, sir.

18 Q. But ultimately what was put on those
19 agendas, was something that you approved?

20 A. The content, yes.

21 Q. The ultimate agenda was something you
22 approved?

23 A. Yes.

24 Q. So if Maggie McNamara was using the
25 exact verbiage from old agendas to put on her agendas

24

1 as a boilerplate to use, that language was something
2 that you had already approved?

3 A. Yes.

4 Q. And if I were to tell you that that
5 language you had already approved of that she used
6 was the same language you complained to Steve Stoud
7 and Maggie McNamara about, would that surprise you?

8 A. As I said, things that were done in the
9 past were not done correctly all the time, so we were
10 trying to improve and approve them.

11 Q. But it was you approved it?

12 A. Yes.

13 Q. In the past?

14 A. Yes.

15 Q. Okay. And you kind of made a big deal
16 out of it, about Maggie McNamara making these
17 grammatical and spelling errors, did you not, with
18 the other commissioners?

19 A. No. I approached them.

20 Q. And what did you say?

21 A. I said that other people needed to look
22 at it because the more I corrected it, the more that
23 I felt disrespected because they were angry I was
24 making the corrections.

25 Q. Well, if they were using your approved

25

1 boilerplate prior agendas and then you came back to
2 her and started complaining about your language,
3 meaning MaryAnne Warren's language and agendas,
4 doesn't that tell you that it's something more than
5 the work product, that it's probably personal against
6 Maggie McNamara?

7 MR. HAILSTONE: I'm going to
8 object to the form. I'm also going to
9 object that you're also putting facts in
10 the record that haven't been
11 established.

12 MR. KARAM: You guys have the
13 minutes. You guys have the agendas.

14 MR. HAILSTONE: They are public.

15 MR. KARAM: Yeah, you know they're
16 there.

17 MR. HAILSTONE: You can answer if
18 you can.

19 THE WITNESS: Can you repeat it
20 please?

21 BY MR. KARAM:

22 Q. Is it understandable how Maggie
23 McNamara would feel that it's personal against her
24 when you're complaining to her about agendas that she
25 prepared using the same verbiage that you have

1 approved of in the past?

2 A. I don't believe that she complained.

3 Q. No, no. What I'm saying is it
4 understandable that she believed your complaints are
5 personal against her rather than professional?

6 A. If that was her belief. We were just
7 changing them though.

8 Q. Okay. Well, didn't you tell the other
9 commissioners that you wanted Maggie terminated?

10 A. I did not bring up the subject.

11 Q. Didn't you say to the other
12 commissioners that you wanted Maggie terminated?

13 A. They were not my words.

14 Q. Well, tell me what your words were.

15 A. I was asked if I thought that Maggie
16 should be terminated and I said yes.

17 Q. Who asked you that?

18 A. Commissioner Arnold.

19 Q. Why would you believe Maggie McNamara
20 should be terminated?

21 MR. KARAM: Off the record.

22 (Whereupon a recess took place.)

23 BY MR. KARAM:

24 Q. Okay. So this meeting, and I'm going
25 to submit to you it was on June 7, 2016, does that

1 coincide with your memory?

2 A. It could have been.

3 Q. Early June 2016?

4 A. It could have been, I don't know.

5 Q. Okay. And it would have been you,
6 Commissioner Arnold, Commissioner Hall and chief
7 clerk or Steve Stoud, whatever his position was at
8 that point in time?

9 A. Yes.

10 Q. Okay. And did you turn to Steve in
11 that meeting and say to him I want her terminated?

12 A. I did not.

13 Q. You did not. Okay. Did -- so if Steve
14 had contemporaneous notes from that meeting and it
15 indicated that you turned to him and said you wanted
16 Maggie terminated, would that refresh your
17 recollection?

18 A. No, sir.

19 Q. Do you recall Commissioner Arnold
20 saying I want her terminated?

21 A. Yes.

22 Q. And you agreed with that?

23 A. Yes, sir.

24 Q. And what are the reasons why you
25 believe Maggie McNamara should be terminated?

1 A. I had believed there was an expectation
2 of employees to do their work and get it correct.

3 Q. Okay. Other -- so let's put aside the
4 agendas. Okay. Other than the agendas, what
5 evidence was there that Maggie McNamara wasn't doing
6 her work?

7 A. The minutes of the previous meetings.

8 Q. What about the minutes?

9 A. The minutes were incorrect sometimes.

10 Q. Sometimes. So sometimes the minutes
11 were incorrect. Let me ask you this: Did you ever
12 ask that she be written up?

13 A. No, sir.

14 Q. Did you ever ask that she be
15 disciplined?

16 A. No, sir.

17 Q. Are you aware of her ever being
18 disciplined in any way?

19 A. Not until she was -- can I retract what
20 I said? If we're talking about the letter that the
21 commissioners asked.

22 Q. Well, let's --

23 A. That's the only time I know.

24 Q. Okay. Before June of 2016, were you
25 aware of her being disciplined in any way?

1 A. No, sir.

2 Q. Did you speak to her supervisor
3 regarding her work product and work ethic?

4 A. Yes.

5 Q. What was the response that you got from
6 her supervisor?

7 A. Essentially that there was a lot of
8 work to be done and people make mistakes.

9 Q. Well, did he not say she is a very good
10 employee and she hasn't done anything wrong?

11 A. Yes, he also stated that.

12 Q. And he told you there's, you know, that
13 it's outrageous to even think of terminating her?

14 A. Prior to June 2016 it was never
15 discussed.

16 Q. Well, but I'm talking about when it was
17 discussed, he said this is outrageous, you shouldn't
18 think of terminating her?

19 A. Yes.

20 Q. And he was her immediate supervisor?

21 A. Yes, sir.

22 Q. So why else did you feel she should be
23 terminated; the minutes, the agenda?

24 A. Well, it was a lack of an eye for
25 detail and getting things done.

1 Q. What didn't she get done?

2 A. I don't recall at this time.

3 Q. Now I'm not asking about you, I'm
4 asking about Commissioner Arnold now. Why did
5 Commissioner Arnold want her terminated?

6 A. I don't believe I can answer that.

7 Q. Did Commissioner Arnold indicate that
8 part of the reason she wanted her terminated was
9 because she was having an affair with Steve Stoud?
10 Was that part of her thinking? You are under oath
11 here.

12 A. I understand that. I -- can you just
13 repeat that, I'm sorry?

14 Q. Was part of the reason Commissioner
15 Arnold wanted Maggie McNamara terminated because she
16 believed she was having an affair with Steve Stoud?

17 MR. HAILSTONE: I'm just going to
18 object. Are you asking her opinion
19 because she testified that she doesn't
20 know why Arnold wanted Maggie. Are you
21 asking for what she thinks or are you
22 asking for something that she knows
23 that --

24 MR. KARAM: I'm asking both.

25 MR. HAILSTONE: -- Arnold told

31

1 her.

2 MR. KARAM: I'm asking both. Did
3 Arnold --

4 MR. HAILSTONE: She already
5 testified she didn't hear anything.

6 | BY MR. KARAM:

Q. Did Arnold verbalize that?

8 A. She did make that statement. I don't
9 know if that's why she wanted her terminated.

10 Q. And she made that statement in the same
11 conversation that she indicated she wanted her
12 terminated, correct, this conversation in early June
13 of 2016?

14 A. Yes, sir.

15 Q. Did you ever indicate to Steve Stoud
16 that McNamara spends too much time in his office?

17 A. I did.

18 Q. And did you tell him that it doesn't
19 look right?

20 A. I did.

Q. Why doesn't it look right?

22 A. Because people were talking. And when
23 it was extended periods of time, there was a lot of
24 laughing and giggling going on and no one thought
25 that county work was being done.

1 Q. Well, can you give an example of work
2 not getting done?

3 A. I don't have a particular item that I
4 can talk about right now.

5 Q. And she's the deputy chief clerk,
6 right?

7 A. Yes, sir.

8 Q. And he's the chief clerk, correct?

9 A. Yes.

10 Q. She's a direct report to Steve Stoud,
11 correct?

12 A. Yes.

13 Q. He supervises her?

14 A. Yes.

15 Q. He gives her all her work that she's
16 supposed to do?

17 A. Yes.

18 Q. She assists him on his own work?

19 A. Yes.

20 Q. The room she's in, the room that
21 they're in is a room with windows or glass that you
22 can see in to?

23 A. Yes.

24 Q. But you felt somehow that there was
25 something inappropriate with them meeting there?

1 A. Not so much inappropriate. It was the
2 perception of giggling and laughing going on for over
3 an hour that had concerns.

4 Q. And did you relate to Steve Stoud that
5 people were talking about it?

6 A. Yes.

7 Q. What people were talking about it?

8 A. Employees.

9 Q. What employees were talking about it?

10 A. Do you want specific names?

11 Q. Yes, I do.

12 A. Jean Conklin.

13 Q. Jean Conklin said it was inappropriate
14 for them to be in that room laughing?

15 A. She didn't use the word inappropriate.

16 Q. She did?

17 A. She had concerns.

18 Q. She had concerns that they were in the
19 room together too long?

20 A. And that there was a lot of laughing
21 and giggling going on.

22 Q. You keep on using the word giggling.
23 Who was giggling?

24 A. It was brought to my attention that it
25 was Maggie.

1 Q. Maggie is giggling, Steve is laughing;
2 is that how it works?

3 A. I assume so, sir.

4 Q. And if it was Alan Hall and Steve Stoud
5 in the room together for an hour and they were
6 laughing about things, would that be inappropriate?

7 MR. HAILSTONE: Object to the
8 form, but you can answer.

9 THE WITNESS: No, sir.

10 BY MR. KARAM:

11 Q. It wouldn't be inappropriate. But
12 somehow because it's a female with Steve Stoud in the
13 room and they are laughing, it's inappropriate?

14 A. That's not correct. It had nothing to
15 do with gender.

16 Q. What did it have to do with?

17 A. What I was being told is Friday
18 afternoons, and I wasn't usually there on a Friday
19 afternoon.

20 Q. And you were being told by who?

21 A. Told by Jean Conklin, Mary Noldy, Terry
22 Goulig, Richard Ely.

23 Q. Okay.

24 A. That Friday afternoons were spent in
25 Steve's office with Maggie McNamara and sometimes

1 Michelle Graziano.

2 Q. Okay. And who is Michelle Graziano?

3 A. She's our director of Children and
4 Youth Services.

5 Q. And that something was wrong about
6 that?

7 A. People questioned why there wasn't
8 anything for them to do.

9 Q. Okay. So did anybody question Steve
10 Stoud about this?

11 A. I did not.

12 Q. Did you direct somebody to question
13 Maggie McNamara about it?

14 A. I did not.

15 Q. Yet you agreed with Commissioner Arnold
16 that she should be terminated from her position
17 without any investigations?

18 A. My decision was not wholly based on
19 that.

20 Q. But it was partly based on that?

21 A. Yes, sir.

22 Q. Based on rumors you were hearing from
23 other county employees, not based on your own visual
24 evidence?

25 A. I witnessed it other times, not Friday

1 afternoons though.

2 Q. But you never questioned what are you
3 in there for, what are you doing?

4 A. I did not because Maggie when I
5 arrived, Maggie usually got up and left..

6 Q. But you had the right to ask that to
7 Steve Stoud, right? That would have been within your
8 chain of command and if you had a concern about it,
9 it would have been appropriate for you to ask Steve
10 what were you in there with Maggie about?

11 A. Yes.

12 Q. And there's -- I'm assuming you agree
13 there could be dozens of reasons why he's in there
14 with his assistant going over things?

15 A. Yes.

16 Q. Do you know if Commissioner Arnold
17 spoke to other people about her belief that an affair
18 was going on between Steve Stoud and Maggie McNamara?

19 A. Only through rumors that I heard.

20 Q. And what rumors were they?

21 A. That Commissioner Arnold had frequented
22 other offices and mentioned that.

23 Q. So she was basically, to your
24 understanding, going around the county telling the
25 county and spreading the rumor that Steve Stoud and

1 Maggie McNamara were having an affair?

2 MR. HAILSTONE: Objection to
3 spreading rumor, again you're putting
4 facts in the record. You're putting
5 words in the mouth of my client.

6 MR. KARAM: I'm repeating what
7 your client said.

8 MR. HAILSTONE: She never said
9 anything about spreading a rumor.

10 BY MR. KARAM:

11 Q. She's going around to various county
12 offices telling them what I will submit to you is a
13 falsehood that Steve Stoud and Maggie McNamara were
14 having an affair?

15 A. It was rumored.

16 Q. And she was going around telling that
17 rumor, correct?

18 A. Making that statement.

19 Q. Making that statement. And would you
20 agree that when she makes that statement, it
21 undermines the authority of Steve Stoud?

22 A. Yes.

23 Q. Because it would be inappropriate for
24 the chief of staff to have an affair with the deputy
25 chief of staff, wouldn't it?

1 A. Yes, sir.

2 Q. And it undermines his credibility and
3 it undermines his authority, correct?

4 A. Yes.

5 Q. And it undermines Maggie McNamara as
6 well, doesn't it?

7 A. Yes, sir.

8 Q. Would you agree that it's just not
9 right to spread a rumor like that?

10 A. That is correct, sir.

11 Q. So after that meeting, the initial
12 meeting in June 2016, was there a followup-up meeting
13 with the commissioners I believe the next day where
14 you came up with a list of complaints that you wanted
15 Steve Stoud to address with Maggie McNamara?

16 A. As I recall, yes.

17 Q. Do you recall what the complaints were
18 about Maggie McNamara?

19 A. I do not.

20 Q. Did you ever see Maggie McNamara become
21 enraged, angry?

22 A. Not angry.

23 Q. Not angry?

24 A. Not angry.

25 Q. Not enraged?

1 A. Not that I recall.

2 Q. Did you ever see her be disrespectful
3 to department heads, and if so what department heads?

4 A. Yes.

5 Q. Okay.

6 A. Mary Noldy director of assessments.

7 Q. Did you talk to Mary Noldy about it?

8 A. Mary Noldy came to me afterwards.

9 Q. After what?

10 A. After the incident happened.

11 Q. And what did she say to you?

12 A. She said that Maggie was disrespectful
13 and that she talked down to her, that she seemed like
14 she was a second-class citizen in Maggie's eyes.

15 Q. And what did you indicate to her?

16 A. And I asked her if she talked to Steve
17 and she said no, that she probably wouldn't and I
18 said well I will.

19 Q. Okay.

20 A. And I brought it to Steve's attention.

21 Q. And was that one of the matters that
22 came up at the September 8th or the June 8th meeting
23 amongst the commissioners that you wanted addressed
24 to Maggie?

25 A. I don't recall, sir.

1 Q. Any other department heads that you
2 know that or you feel she may have been disrespectful
3 to?

4 A. I don't know, sir.

5 Q. We talked about Maggie McNamara's work
6 product and you gave your feelings on that. How
7 about Steve Stoud's work product?

8 A. Every job that Steve was given, he
9 performed well at. He wrote excellent letters. He
10 picked up the slack when needed.

11 Q. He was a good chief of staff?

12 A. Yes, sir.

13 Q. Never written up?

14 A. No, sir.

15 Q. No disciplinary action against him?

16 A. Not that I recall.

17 Q. Yet he was demoted to deputy chief of
18 staff why?

19 A. He was because Commissioner Hall told
20 me that he wanted to advertise for a chief clerk
21 because Steve was going back to Public Safety, and
22 the position would not be an open position was my
23 understanding from Commissioner Hall is why he was
24 doing it.

25 Q. But it takes two votes. And did you

1 speak to Steve about him being demoted?

2 A. I did, sir.

3 Q. And what did you say to Steve?

4 A. I asked him why he was doing it and why
5 he wanted to be, and he told me that Alan directed
6 him or asked him, I'm not really sure what the word
7 was that was used, that he would be the deputy chief
8 clerk so that we would have that open position to be
9 able to advertise for. And I asked him if he was
10 okay with it and I don't really think he answered me,
11 but I think his body language suggested no.

12 Q. And Lana Adams was hired?

13 A. Yes, sir.

14 Q. And Steve's supervisory, essentially
15 Steve's supervisory duties were taken over by Lana?

16 A. Yes.

17 Q. And it was a unanimous vote?

18 A. Yes.

19 Q. Do you ever recall Commissioner Arnold
20 indicating to you that she felt she had to break up
21 Steve Stoud and Maggie McNamara in order to save
22 Stoud's marriage?

23 A. Yes.

24 Q. Tell me about that.

25 A. They were her exact words and then she

42

1 made comment that it happened to her. And I didn't
2 ask any questions. I just -- that was the end of the
3 conversation.

4 Q. Did anybody -- are you aware of anybody
5 telling Commissioner Arnold hey, stop saying this --

6 A. Yes.

7 Q. -- about the affair, it is not
8 appropriate, it's slanderous, it's retaliatory, it's
9 creating a hostile work environment?

10 MR. HAILSTONE: I'm going to
11 object. You can ask her what she heard.

12 But you're giving her lines of, several
13 lines of questioning here.

14 BY MR. KARAM:

15 Q. Did anybody say any of that to her?

16 A. Yes.

17 Q. Who said it?

18 A. Our Solicitor Michael Giangrieco, Alan
19 Hall.

20 Q. Were you present when it was said ever?

21 A. Once, yes.

22 Q. And what was her reply?

23 A. That she was a commissioner and she
24 could pretty much do what she wanted.

25 Q. Steve Stoud was also the director of

1 Public Safety?

2 A. Yes.

3 Q. Did there come a point in time when you
4 approached him and told him that you wanted to
5 eliminate the director of Public Safety position?

6 A. I don't believe it was to eliminate.

7 It was to make it a part-time position.

8 Q. Well, wasn't it part time already?

9 A. He was --

10 Q. Wasn't he doing both chief of -- chief
11 clerk and director of Public Safety?

12 A. Prior to that he was the director of
13 Public Safety.

14 Q. Okay. But at a point in time when he
15 was the chief clerk and the director of Public
16 Safety?

17 A. Yes.

18 Q. Or maybe it's my understanding, and you
19 correct me if I'm wrong because you were there, I
20 wasn't; the evolution of Steve's position were chief
21 clerk/director of Public Safety. Then he was demoted
22 to deputy chief clerk, but he maintained the director
23 of Public Safety position. Then he took a position
24 with the district -- Susquehanna District Attorney's
25 Office as a county detective but he also kept the

1 director of Public Safety position?

2 A. All of those statements are correct,
3 sir.

4 Q. Okay. So during some point in time
5 when he was in one of those three variances, did you
6 approach him and tell him you wanted to eliminate the
7 director of Public Safety position?

8 A. Not that I recall, sir.

9 Q. Getting back to that, the incident
10 where you were in Steve's office when Commissioner
11 Arnold came in and I'll describe what you -- blew her
12 top or whatever, became angry and agitated.
13 Subsequent to that occurring, do you recall being in
14 a meeting or being in the presence of Commissioner
15 Arnold when she indicated that she wanted to have the
16 personnel responsibilities removed from Steve Stoud?

17 A. Did you state personnel
18 responsibilities?

19 Q. Any duties or responsibilities removed
20 from Steve Stoud.

21 A. Yes.

22 Q. Tell me about that.

23 A. She stated that he had too much control
24 and that the commissioners needed to control more of
25 the personnel happenings in the county.

45

1 Q. And she wanted to take those away from
2 Steve?

3 A. Yes.

4 Q. And what was the response of the other
5 commissioners?

6 A. My response?

7 Q. Between you and Commissioner Hall.

8 A. I don't know what Commissioner Hall's
9 response was. Well, essentially it was no because it
10 didn't happen. But my response was that I felt that
11 Steve treated employees fair and he negotiated well
12 for the county and needed to stay there.

13 Q. Were there points in time where you
14 were aware that Commissioner Arnold refused to
15 interact with Steve Stoud?

16 A. Yes, sir.

17 Q. Can you tell me about that?

18 A. Steve would try to text her or call her
19 to tell her information and she would not reply to
20 him. He would say good morning to her and she would
21 dis him. It was uncomfortable.

22 Q. And in your mind as a fellow
23 commissioner, would that treatment of treating Steve
24 that way, did that undermine his authority?

25 A. Yes.

1 Q. Did it affect his ability to do his --
2 perform his job to the best of his capabilities?

3 A. Yes, because he was frustrated in
4 trying to please her.

5 Q. Let's face it, part of his job -- well,
6 let me ask you this. Is part of his job to report
7 and interact with all three commissioners?

8 A. Yes, sir.

9 Q. And when one of the -- if one
10 commissioner refuses to interact with him, that's
11 essentially taking some of his responsibilities,
12 correct?

13 A. Yes.

14 Q. Yes?

15 A. Yes.

16 Q. Okay. Let's talk about Lisa
17 Kowalewski.

18 A. Okay.

19 Q. Do you know who she is?

20 A. Yes.

21 Q. Who is she?

22 A. She was employed as our IT director for
23 a short time.

24 Q. And do you recall any incidents or
25 interactions that she may have had with either Steve

1 Stoud or Maggie McNamara?

2 A. With Steve Stoud.

3 Q. Okay. Can you tell me about it?

4 A. I don't recall how it came about, but
5 she was in his office. I don't know if he initiated
6 it or if she did. She was in his office she was
7 insubordinate. She walked out midstream of
8 conversation of him talking to her.

9 Q. And did Jean Conklin witness this?

10 A. Yes.

11 Q. And she's the head of HR?

12 A. Yes.

13 Q. And do you recall Commissioner Arnold's
14 reaction to this incident?

15 A. No, I don't, sir.

16 Q. Do you recall Commissioner Arnold ever
17 going to the people in IT saying we girls have to
18 stick together, Steve Stoud was wrong here?

19 A. That statement, yes, came back that it
20 was said. I don't believe in IT, it was said in the
21 register and recorder's office.

22 Q. Okay. Do you know if Commissioner
23 Arnold was ever told that she should not ignore Steve
24 Stoud because he's a direct report to her?

25 A. Yes, sir.

1 Q. Who told her that?

2 A. Commissioner Hall.

3 Q. Do you know if Attorney Robin Reed told
4 her that as well?

5 MR. HAILSTONE: I'm going to
6 object, attorney/client privilege.

7 BY MR. KARAM:

8 Q. If you know.

9 A. I don't know, sir.

10 Q. Okay. I'm going to hand you what we'll
11 mark as Plaintiff's Exhibit Number 1.

12 (Whereupon Plaintiff's Exhibit 1
13 was marked for identification.)

14 MR. HAILSTONE: I'm going to put
15 an objection on the record. This is an
16 attorney/client privilege document
17 between the commissioners of Susquehanna
18 County and their solicitor at the time
19 of November 1, 2016 directed to one of
20 the commissioners.

21 I provided it in good faith to
22 Attorney Karam with the understanding he
23 would understand that this was an
24 attorney/client privilege document. I
25 will allow questions for this

1 deposition, but going forward I'm
2 putting on the record my objection of
3 this being used outside of this
4 deposition.

5 MR. KARAM: Understood.

6 BY MR. KARAM:

7 Q. So let's go through this. Have you
8 seen this document before?

9 A. I believe I have.

10 Q. Okay. Do you want to take some time
11 to --

12 A. Please.

13 Q. -- go through? If you need water,
14 there's water there. Why don't we take a little
15 break.

16 A. Thank you.

17 (Whereupon a recess took place.)

18 BY MR. KARAM:

19 Q. Are we all set?

20 A. Ready.

21 Q. So can you describe Plaintiff's Exhibit
22 1 to me?

23 A. It's a letter from our solicitor going
24 to Commissioner Arnold discussing some of the things
25 that were witnessed between Commissioner Arnold and

1 Steve Stoud and.

2 Q. Okay. So let's focus on that first
3 paragraph there. And it says the conversation has
4 been described by others to have been unprofessional
5 and upsetting to not only Mr. Stoud but to other
6 employees who witnessed your interaction with
7 Mr. Stoud. Do you know who the other employees are?

8 A. I do not, sir.

9 Q. Were you aware that other employees
10 witnessed the interaction?

11 A. I'm not really sure what interaction
12 this one was.

13 Q. What one do you think it is?

14 A. That one that I was there.

15 Q. Okay. So it would have been you. And
16 then I would submit to you that later on that day
17 when you weren't there, somebody else was with Steve
18 Stoud and she came in again.

19 A. Okay. I don't know that.

20 Q. That you weren't present. So then
21 let's go down to the middle of paragraph two.
22 Mr. Stoud as -- the employees who witnessed your
23 interaction with Mr. Stoud have deemed your contact
24 with Mr. Stoud very unprofessional, angry,
25 retaliatory and created a hostile work environment

1 and which now has been or will be determined to be
2 retaliatory for his complaint to the EEOC.

3 Do you recall Commissioner Hall using
4 those same or very similar terms in speaking with
5 Commissioner Arnold?

6 A. I do, sir.

7 Q. Did you ever use those words in
8 speaking with Commissioner Arnold --

9 A. No, sir.

10 Q. -- regarding this incident?

11 A. No, sir.

12 Q. Okay. That's it for that. Okay.

13 Let's go to the beginning of January 2017. This is
14 at a time period when Maggie McNamara has left the
15 position of deputy chief clerk and is now working in
16 the District Attorney's Office.

17 A. Okay.

18 Q. Okay. You recall her transferring to
19 the DA's Office, correct?

20 A. Yes, sir.

21 Q. Did you continue to inquire about
22 Maggie McNamara after her transfer to the District
23 Attorney's Office?

24 A. I did not, sir.

25 Q. Did you continue to complain about

1 Maggie McNamara after her transfer to the District
2 Attorney's Office?

3 A. I did not, sir.

4 Q. Did you ever have conversations with
5 Commissioner Hall after Maggie McNamara's transfer to
6 the District Attorney's Office concerning Maggie
7 McNamara?

8 A. Yes, sir.

9 Q. Tell me about those.

10 A. It was a conversation that I said I was
11 going to approach District Attorney Robert Klein and
12 express that I was not happy with her work in the
13 Commissioners' Office and he said -- I said what do
14 you think about talking to him and he said well go
15 talk to him and I did.

16 Q. So after she was hired by the District
17 Attorney's Office, you went to the District Attorney
18 and told the District Attorney you didn't believe she
19 was a good worker, is that fair to say?

20 A. She had not transferred in yet.

21 Q. So --

22 A. I believe it happened the day of the
23 meeting.

24 Q. So this was prior to her being hired by
25 the District Attorney's Office when she was just an

1 applicant for the position?

2 A. Yes, sir.

3 Q. You went to the District Attorney
4 himself and said to him that you had problems with
5 her work and she wasn't a good worker?

6 A. That's not what I said, sir.

7 Q. Well, what did you say?

8 A. That I had concerns about her accuracy
9 in dealing with victim witnesses and getting
10 statements correct and that was the end of that and
11 his reply is that.

12 Q. What was his reply?

13 A. His reply was he was glad that I came
14 to him and I expressed concerns, and he thought
15 Maggie would be a good fit and at that time I said
16 okay, Bob, so I wish you both well and we shook hands
17 and I left.

18 Q. Subsequent to that, did you then make a
19 request that you wanted to see all the e-mails
20 between Steve Stoud and Maggie McNamara since she
21 left the Commissioner's Office?

22 A. No, sir.

23 Q. You never made that request?

24 A. No, sir.

25 Q. Did you ever make any request to see

1 e-mails of Maggie McNamara?

2 A. Yes, sir.

3 Q. Tell me about it.

4 A. When our new chief clerk had been hired
5 Lana Adams, Lana had expressed that the deputy chief
6 clerk had little or no communication with her to be
7 able to help her and I talked to Alan about it.

8 Q. The deputy chief clerk meaning Steve
9 Stoud?

10 A. Yes, I'm sorry, yes.

11 Q. Okay.

12 A. And I talked to Commissioner Hall and
13 Commissioner Arnold about it and I asked Lana -- Lana
14 asked me if there was a way that she could figure out
15 how to communicate with him better or what was, you
16 know, how the future was going to hold, what was
17 happening there. And I said I couldn't think of
18 anything. She said -- I said do you think that the
19 e-mails between the deputy chief clerk and the chief
20 clerk prior to would help you get through some of
21 your struggles, and she said that would be a great
22 thing, Commissioner, if you could do that.

23 So then I went to Commissioner Arnold
24 and Commissioner Hall and asked if that could happen.
25 Commissioner Arnold said yes immediately. Mr. Hall

1 hemmed and hawed and then he said no, he would not
2 allow it to happen. And I think it was brought
3 before our solicitor also if it could happen and he
4 said he didn't really think it was a good idea, but
5 it would go before Robin Reed to make a decision and
6 Robin Reed said yes.

7 Q. So your solicitor said he didn't think
8 it was smart?

9 A. That's correct.

10 Q. And this is the reason you're
11 requesting this is because the chief clerk is saying
12 to you -- well, you say it, I don't want to. What is
13 the chief clerk saying to you, why is this being
14 done?

15 A. That the chief clerk or that the deputy
16 chief clerk Steve Stoud was not communicating with
17 her, so she was trying to figure out how to do things
18 when she had lists. She said she had made numerous
19 phone calls to him which he did not reply to her.

20 Q. Was he disciplined for this?

21 A. No, sir.

22 Q. She was his boss, correct?

23 A. That's correct.

24 Q. And again he's the deputy chief clerk,
25 not the chief clerk at this stage?

1 A. Correct.

2 Q. She's his boss, cannot she order him to
3 come and communicate with me?

4 A. I believe she could have.

5 Q. But instead of doing that, you decided
6 to retrieve e-mails between he and Maggie McNamara?

7 A. Yes, sir.

8 Q. Was it ever discussed why don't you
9 order Steve into your office --

10 A. Well, I --

11 Q. -- and talk to him?

12 A. Yes.

13 Q. Did you say that?

14 A. Yes, sir.

15 Q. And what was the response?

16 A. She felt that Steve was not
17 communicating because he was demoted and she wasn't
18 going to get anywhere because our solicitor also was
19 not helping her.

20 Q. Did Commissioner Arnold ever come to
21 you and indicate that anyone, any other individual
22 was upset with you for backing up Steve Stoud's
23 account of what happened in his office when Arnold
24 came in in an angry fashion?

25 A. I'm sorry, could you repeat that?

1 Q. Did Arnold ever tell you that she was
2 upset because Attorney Reed yelled at her because of
3 what you put in in a letter backing up Steve Stoud or
4 put in writing backing up Steve Stoud?

5 A. I don't recall, sir.

6 Q. Did you ever tell Commissioner Arnold
7 that her conduct was such that it warranted her
8 resigning from her party?

9 A. No, sir.

10 Q. Okay. Tell me how the e-mails were
11 retrieved between McNamara and Stoud.

12 A. I don't, I don't recall how it was
13 initiated. But Stephen Janoski was asked to I
14 believe transfer those to Lana Adams' e-mail account.

15 Q. Who is Stephen Janoski?

16 A. He's the director of IT.

17 Q. Was he the director then?

18 A. I don't recall.

19 Q. Could Lisa Kowalewski have been the
20 director then?

21 A. I don't recall, sir.

22 Q. Is it possible that it was -- that Lisa
23 Kowalewski was the director of IT at the time this
24 request was made?

25 A. It's possible, I don't recall.

1 Q. One second. Did you become familiar
2 with Lisa Kowalewski using these e-mails for personal
3 use?

4 A. No, sir.

5 Q. Did you ever hear of Lisa Kowalewski
6 using e-mails between Steve Stoud and Maggie McNamara
7 as a basis for her to conduct an unauthorized, a
8 county unauthorized investigation into Steve Stoud?

9 A. No, sir.

10 Q. Did you ever hear about allegations
11 that were made against Steve Stoud regarding
12 kickbacks from county vendors?

13 A. I did, sir.

14 Q. Tell me what you heard about that and
15 who made them.

16 A. I heard that Lisa Kowalewski had done a
17 background check on her own computer at home and had
18 used Steve's name and address and had pulled up
19 things that she had assumed were about Steve and
20 stated that they were kickbacks.

21 And when it was questioned, it had
22 nothing to do with Robert S. Stoud. It was his son
23 had prior before working for the county had worked
24 for a gas company or done research or something to
25 that effect.

1 Q. But nonetheless she made these
2 complaints?

3 A. Yes, sir.

4 Q. And were you aware as a result of these
5 complaints that Steve was suspended with his position
6 in the DA's Office?

7 A. Yes, sir.

8 Q. And what was the end result of -- and
9 there was an investigation that was done based on
10 these complaints against Steve Stoud, is that
11 correct?

12 A. Correct.

13 Q. And let me ask this: What knowledge do
14 you have of Commissioner Arnold being involved with
15 Kowalewski at any point in time during the making of
16 these complaints by Kowalewski?

17 A. Personally I didn't witness any, but it
18 was rumored.

19 Q. What was rumored?

20 A. That she was friends with Lisa.

21 Q. What was the end result of the
22 investigation?

23 A. There were no findings and Steve
24 returned to his position.

25 Q. Okay. And the suspension was lifted?

1 A. Yes.

2 Q. In April of 2017 Commissioner Arnold
3 went to subordinates in the Department of Public
4 Safety asking if Steve Stoud's position was really
5 needed. Were you aware of that?

6 A. Yes, sir.

7 Q. Tell me how you were aware.

8 A. One of the employees told Commissioner
9 Hall and Commissioner Hall came to me.

10 Q. Okay. And again as the director of
11 Public Safety when a commissioner goes to a
12 subordinate and says hey, is that guy's, is your
13 boss' job really needed, does that undermine his
14 authority?

15 A. Yes, sir.

16 Q. Then there came a point when Steve
17 transferred to the DA's Office. Did you ever
18 complain about the salary he was receiving over there
19 or have conversations about the salary he was
20 receiving over there?

21 MR. HAILSTONE: Objection. That's
22 two different things. You have to
23 clarify.

24 BY MR. KARAM:

25 Q. Okay. Did you complain --

1 A. No, sir.

2 Q. -- about the salary? Did you have any
3 conversations about the salary?

4 A. Yes, I did. Bob Klein, District
5 Attorney Bob Klein stated that this is what he wanted
6 to pay him. And while it wasn't a complaint, I said
7 does that warrant, you know, does that position
8 warrant that much money and he said yes, I feel it
9 does and it went to the salary board.

10 Q. And my understanding, and you correct
11 me if I'm wrong, my understanding is you followed the
12 DA's advice or his recommendation on it but that
13 Commissioner Arnold strongly disagreed; is that
14 accurate?

15 A. I don't really know that, sir.

16 Q. Do you know Robert Thatcher, Jr.?

17 A. Yes, sir.

18 Q. Who is he?

19 A. He was our emergency management
20 coordinator. Prior to that he was our emergency
21 management training and OPS person I believe.

22 Q. And he would be in the DA? Would he
23 come under the DA's chain of command?

24 A. Public Safety.

25 Q. Public Safety. Were you aware of

1 Commissioner Arnold going to him?

2 A. Yes, sir.

3 Q. Tell me about that.

4 A. She frequented his office many times, I
5 witnessed it. I would walk through the county office
6 building and see her in there and it was brought to
7 our attention by other employees.

8 Q. Let's get back to Maggie McNamara for a
9 little bit. So at the time Maggie made her complaint
10 against Rich Ely, Rich -- what position was Rich Ely
11 in then? Was he HR or was he Veterans Affairs?

12 A. I believe he was the director of
13 Veterans Affairs.

14 Q. Okay. And there came a point in time
15 where Commissioner Hall came to you I believe after
16 the complaint was made and said that Maggie is
17 uncomfortable doing work at Veterans Affairs, is that
18 accurate?

19 A. No, it's not, sir.

20 Q. Okay. Tell me about it then.

21 A. I don't.

22 Q. You don't. Do you recall having a
23 conversation with Commissioner Hall about Maggie
24 working in Veterans Affairs?

25 A. I do remember that, sir.

1 Q. Okay. Tell me about that.

2 A. The conversation was that we needed
3 someone in there to help, and I don't recall the
4 dates, I don't recall if it was prior to the incident
5 or not.

6 Q. Do you recall Commissioner Hall telling
7 you Maggie felt uncomfortable?

8 A. No, sir.

9 Q. Getting back to Arnold, who do you know
10 she talked to about Stoud and McNamara having an
11 affair?

12 A. I don't know for sure. As I said it
13 was all a rumor --

14 Q. Right.

15 A. -- that she entered offices and talked.

16 Q. Steve is no longer with the county?

17 A. Correct.

18 Q. You're aware of that. Prior to him
19 leaving the county, did he come and talk to you about
20 being named director of Public Safety again?

21 A. I believe so.

22 Q. And what was your response?

23 A. That we did not have a full-time
24 position in Public Safety for a director, it was only
25 part time.

1 Q. And did you then go on and hire a
2 director of Public Safety subsequent to that
3 conversation?

4 A. A part time.

5 Q. And when did you make that hire?

6 A. I don't recall, sir.

7 Q. Do you know if Rich Ely spent time
8 behind closed doors with females?

9 A. I do not, sir.

10 Q. Okay. We're done.

11 MR. HAILSTONE: No questions.

12 (Whereupon the deposition of

13 MaryAnne Warren concluded at 11:08 a.m.)

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

I, Christine Messner, a Notary Public in and for Wyoming County, Pennsylvania, do hereby certify that the deposition was reported in machine shorthand by me, that the said witness was duly sworn/affirmed by me, that the transcript was prepared by me or under my supervision and constitutes a complete and accurate record of same.

I further certify that I am not an attorney or counsel of any parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.

Christine Messner
Christine Messner
KEYSTONE COURT REPORTING AGENCY, INC.
4099 BIRNEY AVENUE, SUITE 9
MOOSIC, PENNSYLVANIA 18507